REMARKS

Claims 1-11 and 34-37 are currently pending in this application. Claims 12-33 have been canceled without prejudice. Claims 34, 35, 36 and 37 are newly added. Antecedent support for claim 34 can be found on pages 95 and 96 of the specification. Antecedent support for claim 35 is found on pages 85 and 86 of the specification. Finally, antecedent support for claims 36 and 37 can be found in the specification at pages 5-7 (C1-54 and P1-G10 antibodies, respectively).

In the Office Action of March 2, 2010, claims 1 and 4 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. This ground of rejection is respectfully traversed.

The preamble of the pending claims has been changed to identify the protein as antibody in accordance with the Examiner's suggestion in the Official Action.

The description of the nucleic acid sequences in claim 1(v) and (vi) has been clarified and amended in accordance with the Examiner's suggestion in the Office Action. In particular, the sequences listed for the light chain variable domain have been amended to reflect the sequences disclosed in the specification on pages 86-89. The language in claim 1(vi) has also been aligned with claim 1(v) for clarity and to avoid confusion.

The recitation of P1-G10 in claim 4 has by replaced by SEQ ID NO:35 (light chain) and SEQ ID NO:38 (heavy chain), as described on pages 85 and 86 of the specification.

Claim 4 also stands rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement. In particular, the Examiner states that the laboratory definition for the antibody P1-G10 should be replaced. This ground of rejection is traversed.

As noted immediately above, the appropriate sequence designations have now been used for the P1G10 antibody. Accordingly, there is no basis for maintaining this rejection.

Claims 1-11 have been rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the written description requirement. This ground of rejection is respectfully traversed.

The claims have now been amended in order to eliminate any ambiguity regarding the use of the term "and/or".

With regard to the requirement to specify the exact framework regions for the antibodies, the Examiner's attention is directed to the discussion on page 24, lines 11-28 of the specification, wherein it is stated that the VH and VL regions of the antibody are comprised of CDR regions and FR regions, wherein the FR regions are more conserved than the CDR regions. Further, each VH and VL includes 3 CDR regions 4 FR regions, arranged from amino-terminus to carboxy terminus in the following order: FR1, CDR1, FR2, , CDR2, FR3, CDR3, FR4.

Thus, the structure of an antibody in terms of the CDR and FR regions is well defined. Moreover, since the FR regions are relatively conserved, it would be unnecessary and unduly limiting to require applicant to specify such regions, particularly where all of the CDR regions are specified as in claim 1(i) and claim 1(ii).

Claims 1-11 have also been rejected under 35 U.S.C. 112, first paragraph, for failing to enable the full scope of the invention encompassed by the original claims. This ground of rejection is also traversed.

Applicant has corrected the informality in claim 1(v) and claim 1(vi) as noted in the Office Action ("a" sequence has been changed to "the" sequence). The Examiner has indicated that this correction would obviate this aspect of the rejection.

The term "and/or" has been deleted from claim 1(i) and claim 1(ii) thereby removing this aspect of the rejection which is presumably based on the confusion regarding whether the claimed antibody includes all three CDR regions in the VH and VL parts of the antibody.

The CDR3 region previously claimed in claim 5 (SEQ ID NO:4) has now been incorporated into claim 1, and CDR3 of SEQ ID NO:3 has been included in claim 5 in its place. The CDR3 region of SEQ ID NO:4 is in fact generic to the CDR3 region of SEQ ID NO:3. See, also, SEQ ID NO:5, and SEQ ID NO:6, which disclose other species of this genus. In view of the fact that applicant has described multiple species of the generic

sequence, and in the general context of claim 1(i) which requires three CDR regions, applicant believes that this claim is not overly broad, and fully supported by the specification.

Claim 11 has been rejected on the basis that the specification does not support a pharmaceutical use of the claimed antibodies. Applicant respectfully disagrees with this conclusion.

Initially, it is noted that claim 11 is simply directed to a pharmaceutical composition which includes the antibody of the invention and a pharmaceutically acceptable salt. This is essentially a formulation claim. No claim is made to the treatment of any specific disease, and no claim is made to *in vivo* administration of the pharmaceutical composition. Moreover, the specification contains voluminous support for the preparation and administration of the pharmaceutical composition, and well as treatment protocols and appropriate disease for treatment. See pages 60 to 70 of the specification. Accordingly, applicant submits that there is adequate support in the application for claim 11.

Claims 1, 3 and 6-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/23761 A1. This ground of rejection is respectfully traversed.

The Examiner appears to acknowledge that the antibodies of the reference are not the same as the present antibodies. However, the Examiner speculates that the reference antibodies would still "compete" with the antibodies claimed in the present application, specifically as recited in claim 1(vii).

Claim 1(vii) has now been amended to clarify the scope of the claim and eliminate the term "compete". In view of the amendment, applicant submits that there is no basis for maintaining this rejection.

Claim 1(v) and (vi) have also been amended to specify that hybridization occurs over the full length of the claimed sequence, thereby effectively removing the basis of this rejection.

Claims 1 and 6-11 also stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Published Application No. 2002/0123614 A1. This ground of rejection is also respectfully traversed.

The Examiner takes the position that while the reference antibodies are not the same as the present antibodies, the antibodies would still compete with each other.

As noted above, the term "compete" has now been removed from claim 1. Accordingly, the basis for maintaining this rejection has now been removed.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections, and to be in proper condition for allowance. Accordingly, reconsideration of the rejections, and allowance of the pending claims of this application are respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below if this would be useful to advance the prosecution of this application.

Respectfully submitted,

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